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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,804	11/16/2000	Richard Shann	S1022/8572	3979

7590 10/16/2008

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 10/16/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

**NOTICE OF NON-RESPONSIVE AMENDMENT**

1. The reply filed on August 5, 2008, is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. 37 CFR 1.111(b). In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections.

Here, applicants have attempted to rebut the rejection by merely stating, "Applicants respectfully disagree for at least the reasons previously submitted." (Remarks 7.) To the extent that this statement refers to the arguments submitted on December 21, 2007, these arguments have been addressed in the Advisory Action mailed February 1, 2008, and applicant has not made any specific response to the assertions in that Advisory Action.

Further, as discussed during the Interview conducted on April 17, 2008, the Advisory Action and the Final Rejection each raised concerns regarding whether there is adequate enabling support in the disclosure for the feature of automatically tracking changes in the instruction set. While applicants appear to have moved the problematic claim language around,

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shifting the “automatically” feature from the preamble into the claim body, there is no explanation in the response of how this issue has in any way been addressed.

2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric B. Kiss/  
Eric B. Kiss  
Primary Examiner, Art Unit 2192